

# EXHIBIT D

## GIDEON, COOPER & ESSARY

A PROFESSIONAL LIMITED LIABILITY COMPANY

315 DEADERICK STREET, SUITE 1100

NASHVILLE, TENNESSEE 37238

(615) 254-0400

FAX (615) 254-0459

[www.gideoncooper.com](http://www.gideoncooper.com)

C. J. GIDEON, JR.<sup>1</sup>  
DIXIE W. COOPER<sup>2</sup>  
BRYAN ESSARY<sup>3</sup>  
CHRIS J. TARDIO<sup>4</sup>  
CHRISTOPHER A. VRETTOS  
ALAN S. BEAN  
JOSHUA R. ADKINS  
KIM J. KINSLER<sup>5</sup>  
RANDA V. GIBSON  
J. BLAKE CARTER<sup>1</sup>  
MATT H. CLINE  
MATTHEW J. NATHANSON  
KAYCEE L. WEETER  
LEE T. NUTINI

<sup>1</sup>LICENSED IN TN & FL

<sup>2</sup>LICENSED IN TN, AL & TX

<sup>3</sup>LICENSED IN TN & GA

<sup>4</sup>LICENSED IN TN & KY

<sup>5</sup>LICENSED IN TN & WI

Matthew H. Cline

[matt@gideoncooper.com](mailto:matt@gideoncooper.com)

November 23, 2016

**Via Email Only: [beng@bsjfirm.com](mailto:beng@bsjfirm.com); [aorlandi@bsjfirm.com](mailto:aorlandi@bsjfirm.com)**

Ben Gastel  
Tony Orlandi  
Branstetter, Stranch & Jennings, PLLC  
The Freedom Center  
223 Rosa L. Parks Ave.  
Suite 200  
Nashville, TN 37203

**RE: Meningitis Litigation – CMC Document Production**

Dear Ben and Tony:

I write to address several issues related to the Cumberland Medical Center document production.

### Clawback

First, we exercise the clawback provision in the document review protocol for CMC Subpoena Response E-Discovery 0145518 and 0144253. When we were reviewing the documents to prepare our privilege log, we determined that additional portions of these documents required redaction. LogicForce is replacing these documents in the database with the properly-redacted versions. Please cease review and use, and delete or otherwise destroy any prior versions of these documents.

### Production of Additional Documents

Similarly, we determined during our privilege review that CMC Subpoena Response E-Discovery 0140942, 0140202, and 0140218 should be produced or produced with redactions, rather than withheld entirely.

And, we determined that we needed to reduce or eliminate the redactions in CMC Subpoena Response E-Discovery 0058120, 0139519, 0139520, 0139526, 0139533, 0141083, 0141200, 0141592, 0141598, 0141721, 0143892, 0147421, 0147539, 0156762, 0180810, 0183361, 0183366, 0188007, 0188013, 0189088, 0189094, 0193655, 0193660, 0193668, 0193674, 0193686, 0194346, 0195568, 0195824, 0223630, and 0223636.

LogicForce is adding these to the database.

### Privilege Log

Despite the absence of a clear requirement of a privilege log for the E-Discovery review in the review protocol, we are producing a privilege log for the CMC documents. We divided the log up between (1) files with redactions and (2) files withheld entirely. We believe the log satisfies the letter and spirit of Fed. R. Civ. P. 26 and the Court's orders, and it is consistent with the prior privilege logs we produced in this case, to which you have raised no objection.<sup>1</sup>

### Redactions

On November 20, 2016, Tony sent an example of a document that had redactions with which you took issue (CMC Subpoena Response E-Discovery 0193647). Those redactions, however, were from CMC, not us. As I previously stated, we made all of our redactions using the white box with a black X through it. All other redactions are CMC's.

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If you have any questions about any of the above or if you would like clarification about any of our redactions or our privilege log, please do not hesitate to call.

Thank you.

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<sup>1</sup> As a practical matter, we did not identify every combination of email sender/recipient(s) for attorney-client emails because we already did so with our last privilege log. Most, if not all, of the attorney-client emails in the CMC documents were captured by prior searches and are included on our last privilege log(s). If you believe privilege does not apply to a combination of sender/recipient(s) and we agree (or if the Court orders us to produce them), we will, of course, produce all emails with that sender/recipient(s) combination.

Sincerely,

/s/ Matthew H. Cline  
Matthew H. Cline

Encl.

Cc (via email only): Kent Krause ([KKrause@bkblaw.com](mailto:KKrause@bkblaw.com)), Chris Tardio ([Chris@gideoncooper.com](mailto:Chris@gideoncooper.com)), John Moran ([john.moran@leclairryan.com](mailto:john.moran@leclairryan.com))